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PD-990135/11508

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of)	
JOHN C. HALL et al.)	GAU: 1745
Ser. No. 09/855,235)	Examiner:
Filed: May 14, 2001)	Carol Chaney
For: LITHIUM ION BATTERY PASSIVE CHARGE)	
EQUALIZATION)	

RESPONSE TO FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TC 1700

Sir:

Applicant responds to the final Office Action of January 2, 2004. Claims 1-20 are pending, and all claims stand rejected.

Claims 1-6, 8, 9, and 12-20 are rejected under 35 USC 103 over Andrieu US Patent 5,543,245 in view of Kewano US Patent 6,193,946. Applicant traverses this ground of rejection.

Claims 7 and 10 are rejected under 35 USC 103 as unpatentable over Andrieu in view of Kewano as applied to claim 1, and further in view of Okada US Patent 6,027,836. Applicant traverses this ground of rejection.

Claims 1, 2, 3, 5, 6, 8, 9, and 11-17 are rejected under 35 USC 103 over Andrieu in view of Maeda. Applicant traverses this ground of rejection.

Applicant traverses these rejections for the reasons that are of record, and which

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are incorporated here.

All of these rejections are based on Andrieu '245 as the primary reference.

The argument supporting the rejection is that Figures 3-4 show Schottky diodes. Applicant assumes that this reference is to the unnumbered features circled in the Attachment 1 sheet 2/3 of the figures of Andrieu. If that understanding is incorrect, Applicant asks that it be so informed.

There are three responses.

First, there is no way to know if the diode discussed at col. 5, line 66-col. 3, line 3 is the same as the unnumbered diodes shown in Figures 3-4. If there is any evidence supporting the contention that it is, the evidence must be made of record.

Second, there is no response to the point that Andrieu explicitly states that the Schottky diode is "not shown". The stated argument that "the Schottky diode...is shown in Figures 4 and 3..." is in direct contradiction to this statement of the reference relied upon. If there is any support for the contention that Andrieu is wrong in his statement about his own invention that the Schottky diode is "not shown", it must be made of record.

Third, the circled features in Figures 3-4 of Andrieu are not depicted as Schottky diodes. The symbols are for P-N semiconductor diodes, not Schottky diodes. Applicant submits as evidence Attachments 2-4, the first two being internet downloads and the third an excerpt from a reference book. These three evidentiary submissions depict and explain the difference between the schematic-diagram symbols for a P-N semiconductor diode and a Schottky diode, and between the construction and functionality of the P-N semiconductor diode and the Schottky diode. The diodes shown in Figures 3-4 of Andrieu are depicted as P-N semiconductor diodes, not Schottky diodes.

If the Examiner has any evidence establishing (1) that the diode discussed at col. 5, line 66-col. 3, line 3 is the same as that shown in Figures 3-4, and/or (2) that the diodes shown in Figures 3-4 are Schottky diodes, and/or (3) that Andrieu is incorrect in his statement that the Schottky diode is "not shown", and/or (4) that the symbols

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shown in Figures 3-4 are for Schottky diodes, Applicant requests that it be made of record.

Applicant notes the lack of response to the other points made in the prior Amendment (Corrected).

I hereby certify that this paper (20 pages total) is being facsimile transmitted to the Patent and Trademark Office at fax 703-872-9311 on March 14, 2004.

Respectfully submitted,



Gregory O. Garmong

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Attorney for Applicant